



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

ROXANNE BUZHARDT,
Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

§
§
§
§
§
§

CIVIL ACTION NO. 3:06-0848-HFF-JRM

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE

This is a Social Security case in which Plaintiff seeks judicial review of the final decision of Defendant denying her claim for Disability Insurance Benefits and Supplemental Security Insurance. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the decision of Defendant be affirmed. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 22, 2007, Plaintiff filed her objections on March 13, 2007, and Defendant filed her response to the objections on March 27, 2007.

Plaintiff maintains that the Magistrate Judge erred by concurring with the Administrative Law Judge in 1) ignoring the treating physician's opinion, 2) improperly discounting Plaintiff's claims of severe and disabling pain, and 3) finding that Plaintiff would be able to perform her past relevant work. The Court has made a de novo review of these sections of the Report, but finds no reversible error. Thus, because the Court agrees with the analysis set forth in the Magistrate Judge's comprehensive and well-reasoned Report, the Court declines to address these issues again.

Accordingly, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules the objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court the decision of Defendant be **AFFIRMED**.

IT IS SO ORDERED.

Signed this 5th day of April, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT COURT